

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MIGUEL HERNANDEZ,

Plaintiff,

– *against* –

CITY OF NEW YORK and CAPTAIN
RACHEL MORGAN,

Defendants.

ORDER

18 Civ. 5870 (ER)

RAMOS, D.J.:

Miguel Hernandez brought this action against the City of New York and Captain Rachel Morgan (collectively, “Defendants”), alleging violations of Title VII of the Civil Rights Act of 1964 (“Title VII”) and New York City Human Rights Law (“NYCHRL”). Doc. 14. Specifically, Hernandez alleged that Defendants subjected him to disparate treatment on the basis of his gender and retaliated against him when he sought legal recourse. *Id.* On June 7, 2019, the Court issued an Order and Opinion dismissing all but Hernandez’s NYCHRL gender discrimination claim, and only “to the extent that it is not barred by the statute of limitations.” Doc. 34 at 15. The Court dismissed claims that were barred by the statute of limitations with prejudice; however, all other dismissals were without prejudice. *Id.* at 19. Hernandez never moved to amend his complaint to address the deficiencies raised in the June 7, 2019 Order and Opinion, and the docket subsequently went silent.

On April 6, 2020, the Court ordered the parties to submit a status report by May 1, 2020. Doc. 35. Both parties complied. Docs. 36–37. In Hernandez’s letter, he writes that “there are no federal claims pending” and requests that the remaining state claim be either remanded to New York State Court or dismissed without prejudice. Doc. 36. In Defendants’ letter, they argue that the Court should deem Hernandez’s federal claims abandoned and dismiss them with prejudice. Doc. 37.

The Court has already dismissed Hernandez's federal claims (albeit, without prejudice); as such, these claims are no longer before the Court, and Defendants' request is denied. In light of Hernandez's letter, the Court will dismiss the remaining NYCHRL gender discrimination claim without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). Accordingly, the Clerk of Court is respectfully directed to close the case.

It is SO ORDERED.

Dated: May 5, 2020
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

EDGARDO RAMOS, U.S.D.J.